

By: Hinojosa

S.B. No. 538

A BILL TO BE ENTITLED

1 AN ACT

2 relating to state and local planning for and responses to drought.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 10.003, Water Code, is amended to read as
5 follows:

6 Sec. 10.003. CREATION AND MEMBERSHIP. (a) The council is
7 composed of 25 [~~23~~] members appointed by the board. The board shall
8 appoint:

9 (1) one member to represent each of the following
10 entities or interest groups:

11 (A) [~~(1)~~] Texas Commission on Environmental
12 Quality;

13 (B) [~~(2)~~] Department of Agriculture;

14 (C) [~~(3)~~] Parks and Wildlife Department;

15 (D) [~~(4)~~] State Soil and Water Conservation
16 Board;

17 (E) [~~(5)~~] Texas Water Development Board;

18 (F) [~~(6)~~] regional water planning groups;

19 (G) [~~(7)~~] federal agencies;

20 (H) [~~(8)~~] municipalities;

21 (I) [~~(9)~~] groundwater conservation districts;

22 (J) [~~(10)~~] river authorities;

23 (K) [~~(11)~~] environmental groups;

24 (L) [~~(12)~~] irrigation districts;

1 (M) [~~(13)~~] institutional water users;
2 (N) [~~(14)~~] professional organizations focused on
3 water conservation;
4 (O) [~~(15)~~] higher education;
5 (P) [~~(16)~~] agricultural groups;
6 (Q) [~~(17)~~] refining and chemical manufacturing;
7 (R) [~~(18)~~] electric generation;
8 (S) [~~(19)~~] mining and recovery of minerals;
9 (T) [~~(20)~~] landscape irrigation and
10 horticulture;
11 (U) [~~(21)~~] water control and improvement
12 districts;
13 (V) [~~(22)~~] rural water users; and
14 (W) [~~(23)~~] municipal utility districts; and
15 (2) two members to represent investor-owned
16 utilities.

17 (b) Each entity or interest group described by Subsection
18 (a) may recommend one or more persons to fill a a [~~the~~] position on
19 the council held by a [~~the~~] member who represents that entity or
20 interest group. If one or more persons are recommended for a
21 position on the council, the board shall appoint one of the persons
22 recommended to fill the position.

23 SECTION 2. Section 10.004(a), Water Code, is amended to
24 read as follows:

25 (a) Members of the council serve staggered terms of six
26 years, with [~~seven or~~] eight or nine members' terms, as applicable,
27 expiring August 31 of each odd-numbered year.

1 SECTION 3. Section 10.010, Water Code, is amended to read as
2 follows:

3 Sec. 10.010. POWERS AND DUTIES OF COUNCIL. (a) The council
4 shall:

5 (1) monitor trends in water conservation
6 implementation;

7 (2) monitor new water conservation technologies for
8 possible inclusion by the board as best management practices in the
9 best management practices guide described by Section 16.0552
10 ~~[developed by the water conservation implementation task force~~
11 ~~under Chapter 109, Acts of the 78th Legislature, Regular Session,~~
12 ~~2003]~~;

13 (3) monitor the effectiveness of the statewide water
14 conservation public awareness program developed under Section
15 16.401 and associated local involvement in implementation of the
16 program;

17 (4) develop and implement a state water management
18 resource library;

19 (5) develop and implement a public recognition program
20 for water conservation;

21 (6) monitor the implementation of water conservation
22 strategies by water users included in regional water plans; and

23 (7) monitor target and goal guidelines for water
24 conservation to be considered by the board and commission.

25 (b) To assist with drought preparedness and response, the
26 council shall:

27 (1) monitor and recommend strategies for responding to

1 drought;

2 (2) monitor new drought response technologies for
3 possible inclusion by the board as best management practices in the
4 best management practices guide described by Section 16.0552; and

5 (3) recommend methodologies for conducting drought
6 contingency plan evaluations described by Section 11.1272(g).

7 SECTION 4. Section 11.1272, Water Code, is amended by
8 adding Subsections (f), (g), (h), and (i) to read as follows:

9 (f) A wholesale or retail public water supplier or
10 irrigation district may review and update the supplier's or
11 district's drought contingency plan and submit to the commission
12 the reviewed or updated plan.

13 (g) A wholesale or retail public water supplier or
14 irrigation district may include in each reviewed or updated drought
15 contingency plan submitted to the commission an evaluation of the
16 effectiveness of strategies in the plan that were implemented by
17 the supplier or district during any previous period of significant
18 drought. The commission by rule may define "significant drought"
19 for purposes of this subsection.

20 (h) A wholesale or retail public water supplier shall notify
21 the commission not later than the fifth business day after the date
22 the supplier implements, changes the manner of implementing, or
23 ceases to implement a mandatory provision of the supplier's drought
24 contingency plan. The commission by rule shall establish criteria
25 for determining the actions that must be reported under this
26 subsection.

27 (i) The commission shall maintain on its Internet website a

1 list of wholesale and retail public water suppliers that are
2 currently implementing a drought contingency plan that displays for
3 each supplier:

4 (1) the degree of drought severity in the county or
5 counties in which the service area of the supplier is located;

6 (2) whether the service area of the supplier is in a
7 county subject to a declaration under Section 418.014 or 418.108,
8 Government Code, of a state of disaster due to drought conditions;
9 and

10 (3) the drought response stage the supplier is
11 implementing.

12 SECTION 5. Subchapter C, Chapter 16, Water Code, is amended
13 by adding Section 16.0552 to read as follows:

14 Sec. 16.0552. BEST MANAGEMENT PRACTICES GUIDE. (a) In this
15 section, "best management practices" has the meaning assigned by
16 Section 11.002.

17 (b) The board, in coordination with the commission and the
18 Water Conservation Advisory Council, shall:

19 (1) regularly review and update the water conservation
20 best management practices guide developed by the water conservation
21 implementation task force under Chapter 109 (S.B. 1094), Acts of
22 the 78th Legislature, Regular Session, 2003; and

23 (2) include in the guide best management practices for
24 drought response.

25 (c) The board shall make the guide available on its Internet
26 website.

27 SECTION 6. As soon as practicable after the effective date

1 of this Act, the Texas Water Development Board shall appoint two
2 additional members to the Water Conservation Advisory Council as
3 required by Section 10.003(a)(2), Water Code, as added by this Act.
4 The members appointed under this section serve terms expiring
5 August 31, 2023.

6 SECTION 7. As soon as practicable after the effective date
7 of this Act, the Texas Commission on Environmental Quality shall
8 adopt rules as necessary to implement Section 11.1272, Water Code,
9 as amended by this Act.

10 SECTION 8. This Act takes effect September 1, 2017.